

Response to Amendment

1. The reply filed on 05/06/2009 is not fully responsive to the prior Office Action because: Examiner presented Applicant with an election/restriction requirement of species involving figures 1, 4, 5, 6, 7, 8a, 9, 10 and 11. Applicant failed to properly respond to the election/restriction requirement of selecting a species and indicating the appropriate claims that read on the species. Applicant alleges that the election/restriction requirement was made in the advisory action, that several attempts were made to contact the examiner and her supervisor and no response has been given at this point, Examiner hereby disagrees with all these allegations. The election/restriction was made in the first non-final office action after a request for continued examination and no earnest attempt to contact the examiner or her supervisor has been made. Since the period for reply set forth in the prior Office action has expired, this application will become abandoned unless applicant corrects the deficiency and obtains an extension of time under 37 CFR 1.136(a).

The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. In no case may an applicant reply outside the SIX (6) MONTH statutory period or obtain an extension for more than FIVE (5) MONTHS beyond the date for reply set forth in an Office action. A fully responsive reply must be timely filed to avoid abandonment of this application.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to NNENNA N. EKPO whose telephone number is (571)270-1663. The examiner can normally be reached on M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Brian T. Pendleton can be reached on 571-272-7527. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Nnenna N. Ekpo/
Patent Examiner
July 30, 2009.

/Brian T. Pendleton/
Supervisory Patent Examiner, Art Unit 2425